

Appln. No.: 10/690,377
Amendment Dated August 22, 2006
Reply to Office Action of May 25, 2006

NSG-209US1

BEST AVAILABLE COPY**Remarks/Arguments:**

Applicant's Attorney thanks the examiner for the telephone interview on August 8, 2006.

Claims 1 and 3 have been amended. No new matter is introduced herein. Basis for the amendment to claim 1 may be found, for example, at page 18, lines 22-26. Basis for the amendment to claim 3 may be found, for example, at page 2, lines 6-7 (sheet original being a reflecting sheet) and p. 22, lines 15-22 (adjusting mechanisms that adjust for both a light transmitting original and a sheet original). Claims 1-5 are pending.

Claims 3-5 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, that the phrase "during the reading of the light transmitting original," is not supported in the written description. The phrase "during the reading of the light transmitting original" has been removed from claim 3. Accordingly, applicant respectfully requests that the rejection of claims 3-5 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Tsai (U.S. Pat. No. 5,900,951). Applicant respectfully requests reconsideration. In particular, Tsai does not disclose or suggest, "[a]n image reading apparatus ... including an adjusting mechanism ... wherein a distance from an original surface of the light transmitting original to the contact image sensor unit is adjusted by using the adjusting mechanism to adjust a position of a surface of the guide rail on which the contact image sensor moves," as required by claim 1.

Tsai discloses, in Fig. 1, a scanner including two shafts 104 that guide and support a contact image sensor (CIS) module 103 (Col. 2, lines 20-25). The examiner asserts, in paragraph 7 of the Office Action, that "a position of the surface of the guide rail (104) is changed by the elastic element (105)." Applicant respectfully disagrees. Tsai discloses, in Col. 2, lines 36-60 that:

At the opposite ends of each shaft 104, there are a pair of shaft bearings 107. The shaft bearings 107 are fixed on the inner bottom of said housing 101 for supporting the shafts 104. At the shaft bearings 107, there is a rigid body 106 interposed between the shaft 104 and the sheet table 102. The rigid body 106 can be a spacer which is cut in precision for leaving a space between the CIS module 103 and the sheet table 102. **The height of the rigid body 106 determines the distance between the sheet table 102 and the CIS**

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module 103. Thus, altering the height of the rigid body 106 can adjust the distance between the sheet table 102 and the CIS module 103. Inside each of the shaft bearings 107, there is an **elastic element 105 beneath the shaft 104.** The elastic element 105 can be a spring, rubber or a spring support. It helps to **uplift the shaft 104 to press the rigid body 106 firmly onto the bottom surface of the sheet table 102.** It shall be noted that the shafts 104 are not fixed on the shaft bearings 104. Instead, the shafts 104 can adjust its position via the elastic elements 105. **If there is any minor manufacture errors or distortions, the distance between the sheet table 102 and the CIS module 103 remains the same because the shafts 104 are pressed firmly onto the sheet table 102 by the elastic elements 105.** The relative positions of the shafts 104, elastic elements 105, rigid body 106 and the CIS module 103 are more clearly illustrated in the perspective side view.

Tsai does disclose that an elastic element 105 urges rigid body 106 against the sheet table 102. However, the distance between the CIS module and the glass is always the same because "the shafts 104 are pressed firmly onto the sheet table by the elastic elements 105." Tsai makes it clear that the only reason for using the elastic element 105 is to account for "manufacture errors or distortions." Tsai does not disclose or suggest any adjusting mechanism to adjust a position of a surface of the guide rail, as required by claim 1. Instead, the height of rigid body 106 determines a fixed distance between sheet table 102 and CIS module 103. The position of the shaft 104 relative to sheet table 102 remains unchanged in the apparatus disclosed by Tsai, because the height of the rigid body 106 does not change. The only way that this distance can be changed is to replace the rigid bodies with other rigid bodies having a different height or by replacing the spring. In neither of these situations would an "adjusting mechanism" be used. Furthermore, replacing the rigid bodies or the springs would require disassembly of the apparatus. The present invention, thus, represents an advantage over the Tsai device because it includes an adjusting mechanism that allows the position of the guide rails to be adjusted as a part of the normal operation of the device. Consequently, claim 1 includes a limitation that is not found in Tsai and is not subject to rejection under 35 U.S.C. § 102(b) in view of Tsai.

Claims 3-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ando (U.S. Pat. no. 5,362,958). Applicant requests reconsideration of this rejection. In particular, Ando does not disclose or suggest:

An image reading apparatus... for reading a light transmitting original and a reflecting sheet original... including a lifting mechanism, positioned between the guide rail and the contact image sensor unit, the lifting mechanism being configured to adjust a distance from the contact image sensor unit to an original surface of the light transmitting original and to an original surface of the reflecting sheet original..., as required by claim 3.

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Support for the amendment is found, for example, p. 2, lines 6-7 (sheet original being a reflecting sheet) and p. 22, lines 15-22 (adjusting mechanisms that adjust for both a light transmitting original and a sheet original).

Ando discloses an image reading section 1, in Figs. 2, 6(b) and 7, that is continually adjustable by a spiral shaft 222 (Fig. 7) to change the focal distance of the image reading section 1 during the reading of a document original (Col. 6, lines 24-37 and Col. 9, lines 29-44). Ando does not disclose or suggest that the distance of the contact image sensor unit is adjusted to a light transmitting original and to a reflecting sheet original, as required by claim 3. Ando discloses that the image reading apparatus reads a light reflecting original (Col. 5, lines 26-28 and Fig. 4). Ando is silent on reading both a light transmitting original and a reflecting sheet original. Ando, thus, cannot disclose that the vertical adjustment can be made for both a light reflecting original and a light transmitting original. The subject invention provides an advantage over the cited art in that the lifting mechanism can be adjusted for both a light transmitting original and a reflecting sheet original. Thus, Ando does not include all of the features of claim 3.

Because Ando does not disclose or suggest this limitation of claim 3, claim 3 is not subject to rejection under 35 U.S.C. § 102(b) as being anticipated by Ando. Claim 4 depends from claim 3 and claim 5, to the extent that claim 5 depends from claim 3, and are not subject to rejection under 35 U.S.C. § 102(b) as being anticipated by Ando for at least the same reason as claim 3.

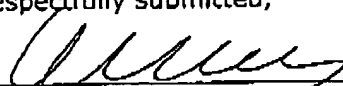
Applicant appreciates the indication in the Office Action that claim 2 and claim 5, to the extent that it depends from claim 1, would be allowed if rewritten to include the limitations of claim 1. As set forth above, because claim 1 is not subject to rejection under 35 U.S.C. § 102(b) in view of Tsai, there is no need to amend claims 2 and 5.

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In view of the foregoing amendments and remarks, Applicant requests that the Examiner reconsider and withdraw the objection to claims 2 and 5 and the rejection of claims 1 and 3-5.

Respectfully submitted,


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KNN/pb

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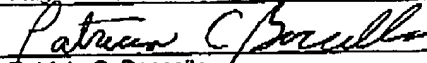
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August 22, 2006


Patricia C. Boccella

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